

UNITED STATES DISTRICT COURT

for the
Southern District of OhioIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
7233 Springview Lane
Dublin, Ohio 43016

Case No. 2:23-mj-511

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

7233 Springview Lane, Dublin, OH 43016

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment A, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 922(g)	Possession of a Firearm by a Convicted Felon
18 U.S. Code §1343	Wire Fraud

The application is based on these facts:

See attached Affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 9/12/2023

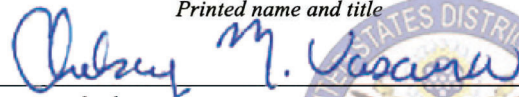
City and state: Columbus, Ohio



Applicant's signature

Tisha M. Hartsough, FBI Special Agent

Printed name and title


Chelsey M. Vascara
United States Magistrate Judge

Judge's signature

U.S. Magistrate Judge Chelsey M. Vascara

Printed name and title

ATTACHMENT A

LIST OF ITEMS TO BE SEIZED

Authorization is sought to search and seize the following:

- a) Any items related to violations of 18 U.S.C. §922(g)(1), including:
 - a) Firearms;
 - b) Ammunition;
- b) All records that relate to violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud), including:
 - a) Any information (including names, addresses, phone numbers, or any other identifying information) related to the identification of other co-conspirators;
 - b) Any information related to sources of PII (including names, addresses, phone numbers, or any other identifying information);
 - c) All bank records, checks, credit card bills, account information, and other financial records;
 - d) Information related to financial, banking, or debit or credit card transactions;
- c) Electronic devices used to store electronic records and data related to violations of 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud), including:
 - a) Computers;
 - b) Tablets;
 - c) Cellular devices including tablets and phones;
 - d) Data storage devices such as hard drives, thumb drives, CDs and DVDs.

AFFIDAVIT IN SUPPORT OF SEARCH OF:

7233 Springview Lane, Dublin, OH 43016

I, Tisha M. Hartsough, a Special Agent with the Federal Bureau of Investigation, hereinafter referred to as the affiant, being duly sworn, depose as follows:

INTRODUCTION

1. I have been employed by the Federal Bureau of Investigation for approximately 21 years. I am assigned to the Columbus Resident Agency, Cincinnati Division, where I have investigated violations of many State and Federal laws, including crimes of violence, kidnapping, drug trafficking, money laundering, public corruption, crimes related to civil rights violations, and crimes related to terrorism. Relative to this affidavit, I have been trained to investigate and have directed and participated in numerous drug trafficking and firearms investigations. Also relative to this affidavit, I have spoken with Special Agents of the Department of Labor – Office of Inspector General who are tasked with conducting criminal, civil, and administrative investigations into alleged violations of federal laws relating to Department of Labor programs, operations, and personnel, to include the federal unemployment system. Based upon the allegations in this affidavit, as well as my training, experience and my review of the evidence gathered by investigators assigned to this investigation, there is probable cause to believe that evidence of crimes related to 18 U.S.C. §922(g)(1) (possession of a firearm by a prohibited person), 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud), will be located within **7233 Springview Lane, Dublin, OH 43016**.

PURPOSE OF AFFIDAVIT

2. The facts and information contained herein are based on my personal knowledge and experience, that of other law enforcement personnel, police reports, and other documents, as well as from persons with knowledge regarding the relevant facts and sources of information that have been proven reliable. This affidavit is intended to show only that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. This affidavit is being submitted in support of a search warrant for the residence located at **7233 Springview Ln, Dublin, OH 43016**, hereafter referred to as **TARGET LOCATION**, seeking evidence related to violations of 18 U.S.C. §922(g)(1) (possession of a firearm by a prohibited person), 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud).

PROBABLE CAUSE

Kflergewerges Abate and Firearms,

18 U.S.C. §922(g)(1) (possession of a firearm by a prohibited person)

3. Since June 2021, the Federal Bureau of Investigation and the Drug Enforcement Administration (DEA) in Columbus, Ohio have been investigating a Drug Trafficking Organization (DTO) known as the Third World Mob or Third World Mafia, used interchangeably, who are operating in and around Columbus, Ohio. Investigation has shown that members of the Third World Mob traffic large quantities of marijuana and other illegal narcotics that has generated hundreds of thousands of dollars in proceeds. Additionally, investigation has shown that members of the Third World Mob are involved in violent criminal acts suspected to include murder, murder for hire, kidnapping, possession of firearms by prohibited persons and use of firearms, all in furtherance of their drug trafficking activity. **Kflergewerges ABATE** has been identified as a member of the Third World Mob.

4. On the evening of September 13, 2022, **ABATE** attempted to enter Zara Restaurant and Bar, located at 1383 South Hamilton Rd., Columbus, Ohio. D. H. was working as the doorman at Zara that evening. **ABATE** refused a pat down by D.H. and a physical altercation between the two men ensued. **ABATE** can be seen on video surveillance pulling out a firearm and shooting D.H. in the leg. **ABATE** fled the scene. D.H. was subsequently treated at the hospital. Later, while speaking with federal investigators, D.H. confirmed he was the victim of the shooting depicted in the surveillance video. On April 27, 2023, the longtime girlfriend of **ABATE**, **Dyonee CAPERS**, also spoke with federal investigators about the incident at Zara. After watching the surveillance video, **CAPERS** confirmed that the person depicted in the video who shot D.H. was **ABATE**.

5. During the April 27, 2023 interview, **CAPERS** told investigators she lived with **ABATE** at 7233 Springview Lane, Dublin, Ohio, the **TARGET LOCATION**, prior to **ABATE'S** November 1, 2022 arrest. **CAPERS** said she and **ABATE** had lived at the **TARGET LOCATION** together since 2017. **CAPERS** said she and **ABATE** owned a firearm and kept it at the **TARGET LOCATION**, where it remains. She said they obtained the firearm in approximately 2019, after she was followed home from the grocery store by a strange man. **CAPERS** said she thought the gun was registered in the name of **ABATE'S** sister, Zodi **HUREY**.

6. **ABATE** has a 2013 felony conviction for drug trafficking in Pima County, Arizona, making him a prohibited person under federal law.

7. On November 1, 2022, **ABATE** was found co-located inside a residence with over 1,500 pounds of marijuana and three firearms. On November 17, 2022, **ABATE** was indicted for possessing a firearm in furtherance of a drug trafficking crime, a violation of §924(c)(1)(A).

8. On or about April 27, 2023, an attorney retained by **CAPERS** told members of the prosecution team that **CAPERS** would turn over the firearm that was being kept in the **TARGET LOCATION** to law enforcement. On April 28, 2023, your affiant called the attorney

in an attempt to facilitate the firearm being turned over. The attorney said they would notify your affiant with a time when the firearm could be picked up from the attorney's office. As of the date of this Application for a Search Warrant, your affiant has not been contacted by the attorney or **CAPERS**.

9. On September 7, 2023, in an attempt to track down and obtain the firearm referred to by **CAPERS**, investigators interviewed **HUREY** who said she did not purchase a firearm for **ABATE**.

Dyonee Capers and PPP/PUA Fraud,

18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud)

10. During the course of the Third World Mob drug trafficking investigation conducted by the FBI and DEA, DOLOIG was contacted to assist in the investigation of fraudulent criminal action against the United States Government and its subsequent programs, specifically CARES Act funding. Investigators revealed the drug trafficking organization's (DTO) main source of income was from drug trafficking operations which are unreported earnings. Additional investigative methods, to include surveillance, determined none of the target subjects displayed a regular daily pattern indicative of employment and possessed no other sources of income by legitimate means. Specifically, **CAPERS** was identified to have submitted false information and withheld required information related to her application for Pandemic Unemployment Assistance (PUA) in the state of Ohio. As a result, **CAPERS** received approximately \$24,591 in Ohio PUA. Additionally, **CAPERS** is allegedly associated with four applications for CARES Act loans, to include: two paycheck protection program (PPP) loans in the names Teia Capers and Dede's Collection LLC and two EIDL loans in the names Dede's Collection LLC and Dyonee Capers, worth a total of approximately \$25,477.

OHIO PUA CLAIM:

11. On or about June 21, 2020, **CAPERS** completed an Ohio Pandemic Unemployment Application. **CAPERS** provided information to include: residence – 1730 Rainbow Park, Columbus, Ohio 43206, email – bubblesisinlove@gmail.com, cell phone – 330-446-6206, SSN – 270947791. During the course of the application process, claimants are required to provide supporting income and identity documents. Some of the documents **CAPERS** provided include a 2019 Form 1040, 2020 Form 1040, a copy of an old driver's license showing her address to be 1357 Phlox Ave, Blacklick, OH 43004, a copy of her new driver's license showing her address to be 1730 Rainbow Park, Columbus, OH 43206, and a selfie picture of her face. The driver's licenses include the address used on Dyonee **CAPERS'** registered business, 1357 Phlox Ave, Blacklick, OH 43004 and the address used on 3 of the 4 CARES Act loans associated to **CAPERS**, 1730 Rainbow Park, Columbus, OH 43206.

12. As a part of the above-described Ohio Application, claimants are required to answer several initial questions to determine their eligibility for funds. The following questions were asked, which, according to the investigation to date, **CAPERS** answered fraudulently: “Primary Occupation? – Personal Care and Service Occupations”, “How many years have you done this type of work? – 4”, “I am self-employed as a sole proprietor, partner or corporate officer? – Yes”, “What was the last date you worked and earned as a sole proprietor? – 03/20/2020.” According to state workforce agencies (SWA) information, **CAPERS** was employed in the state of Ohio sporadically by 9 different employers between 2015 through quarter two of 2018. **CAPERS** then has a break in reported earnings in the state of Ohio until quarter 3 of 2021 where she is employed at “Trucker Dad Transport” through quarter 4 of 2021. There is no recorded employment history for **CAPERS** after quarter 4 of 2021 to present.

13. **CAPERS** submitted a 2019 and 2020 Form 1040 as proof of income as part of her PUA application. As a part of both forms, she claimed income from her business, “Dede’s Collection LLC”. Per the Form, the principal business product or service is “seamstress”. **CAPERS** listed herself as proprietor and the business address is 1357 Phlox Ave., Blacklick, OH 43004. According to open source information on the Ohio secretary of state business website, the effective date of the business was July 10, 2017 and the purpose was, “I just want to sell close [sic] in other merchandise to make women happy..[sic]” The form reflected the business address 1357 Phlox Ave., Blacklick, OH 43004 and **CAPERS**’ signature.

14. **CAPERS**’ LLC was opened July 10, 2017. Therefore, at time of the effective date of eligibility for her PUA application, she had only been in business for 3 years and a few weeks, not a full four years. The application asked the last date worked as a sole proprietor, **CAPERS** answered, 03/20/2020. As a sole proprietorship, there is no separation between personal and business assets/expenses and does not have a formal business structure like an LLC. Therefore, in some circumstances, individuals running a sole proprietorship are eligible for state benefits such as unemployment. **CAPERS**’ business was not a sole proprietorship but rather a formalized LLC. Additionally, LLC owners with the default tax structure are not considered employees of their business and therefore are not typically eligible to collect unemployment. In some cases, an LLC business owner will pay themselves a salary as the owner of a business. However, the business owner is then required to pay into the state’s unemployment system for their registered employee, in this case, themselves. Once a business owner pays into the unemployment system for their employee, that employee’s wages show up in the state workforce agency records. **CAPERS** has no wage record in the state of Ohio associated to her “employment” with her LLC. Therefore, and additionally supported by **CAPERS**’ aforementioned Form 1040 tax records, **CAPERS**’ LLC does not establish her as an employee of her business, making her ineligible for the benefits she received. Additionally, **CAPERS**’ business, Dede’s Collection LLC, was run through law enforcement and open source databases and no additional information could be found to corroborate previous business transactions, sales, advertising or marketing.

15. On or about May 23, 2022, the Ohio Department of Job and Family Services (ODJFS) issued a Fraud Finding Notice – Pandemic Unemployment Assistance Letter to **CAPERS**. In part, the letter reads “The Ohio Department of Job and Family Services has determined that you were overpaid benefits to which you are not entitled because you committed

fraudulent misrepresentation.” ODJFS included an appeal due date of June 13, 2022, to which there was no appeal.

Dyonee S. Capers
1730 Rainbow Park
Columbus, OH 43206-1836

May 23, 2022

Issue Identification Number: 0022 5104 29-01
Correspondence ID: 82873264
Appeal Due Date: 6/13/2022

Fraud Finding Notice
Pandemic Unemployment Assistance

Reasoning and Findings

The Ohio Department of Job and Family Services has determined that you were overpaid benefits to which you are not entitled because you committed fraudulent misrepresentation.

Applicable Section of Law

20 Code of Federal Regulations (CFR) 625.14 (i)(2); Ohio Revised Code 4141.35

Effect of this Determination

Federal and state laws require mandatory penalties for unemployment compensation claimants who commit fraud. Those committing fraud in Ohio are disqualified from receiving benefits for 120 weeks and, in addition to repayment, must pay a penalty equal to 15 percent of the benefits obtained fraudulently. The penalty applies to fraud committed during the initial application or in any subsequent weeks for example, by providing false information on an application or by not reporting earnings.

As a result, you are disqualified from receiving payments for 120 weeks. You will not receive benefits until you serve the penalty weeks and repay the overpayment and 15% penalty in full.

PAYCHECK PROTECTION PROGRAM (PPP) LOANS:

16. The Pandemic Response Accountability Committee (PRAC) is an independent oversight committee within the Council of the Inspectors General on Integrity and Efficiency; created to conduct and support oversight of the government funds associated to the CARES Act of 2020. One program with oversight from the PRAC was PPP. Through open source data released by the PRAC, investigators determined two PPP loans were issued associated to **CAPERS** and her residences. The first was in the business name “Teia Capers” and received a \$20,832 PPP loan on April 29, 2021. The borrower’s address was registered the same as **CAPERS’** address at the time she applied for PUA, 1730 Rainbow Park, Columbus, OH 43206. According to the data, the applicant identified the business to be female owned and reported only one job for the business. Because the loan was a PPP loan, the funds were dedicated to payroll costs associated to the number of jobs claimed. In this case, only one job was claimed and the funds would have been paid to a single individual.

17. The second PPP loan was issued to the business name of “Dede’s Collections LLC”, already established to be **CAPERS’** business. The business received a \$4,645 PPP loan on May 22, 2021. The borrower address on the loan was 7233 Springview Ln, Dublin, OH 43016, the known current residence of **CAPERS**. According to the data, the applicant identified the business to be female owned and reported only one job for the business. Because the loan was a PPP loan, the funds were dedicated to payroll costs associated to the number of jobs

claimed. In this case, only one job was claimed, the business owner of Dede's Collection LLC, Capers. The loan was subsequently forgiven on August 5, 2022.

18. Additionally, according to DOL OIG data, two EIDL loan applications were submitted and subsequently denied. On July 13, 2020, an application was made in the business name "Dede's Collection LLC", in association with **CAPERS'** SSN and the date of the established business being July 13, 2017. The application also included the same EIN as the Form 1040s submitted with the PUA claim. According to the data, this application claimed the business had 7 employees and a business address of 1730 Rainbow Park, Columbus, OH 43206. On August 19, 2020, an application was made in the business name "Dyonee Capers," in association with **CAPERS'** SSN and the date of the established business was February 23, 2016. The application included **CAPERS'** SSN as the EIN. According to the data, this application claimed the business had 4 employees and a business address of 1730 Rainbow Park, Columbus, OH 43206.

CONCLUSION

19. Your affiant knows through training and experience that people involved in drug trafficking sometimes possess and carry firearms to protect themselves from being the victims of robberies. **Kflergewerges ABATE** is a convicted drug trafficker, and hence, a federally prohibited person, who has been caught with drugs and firearms since his conviction. Additionally, **ABATE** used a firearm as a prohibited person to shoot someone who was denying him entrance into a night club. **ABATE'S** live-in girlfriend, and the mother of his children, **Dyonee CAPERS**, told investigators that **ABATE** possessed a firearm at their residence and that firearm remains at the residence.

20. Also, your affiant knows through training and experience that individuals engaged in fraud sometimes maintain physical images and saved documents of financial account information, PUA/PPP/EIDL claim information or applications, financial bills, identification documents and banking forms in their own names or in the names of others that are used in various financial fraud schemes.

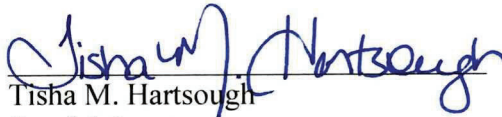
21. To make a scheme like this work, the perpetrator(s) must use electronic devices like computers, phones, and tablets to access the PUA/PPP/EIDL systems and banking information. In investigations such as these, significant evidence on electronic devices such as laptops, cellphones, and tablets has been found to contain communication among participants; reflect groups of associates; and detail nicknames or aliases of other actors. In these types of investigations, it has been found that individuals involved in UI fraud frequently have personal identifying information, bank account information, and evidence of fraudulent claim submission on their electronic devices. Although there is no set monetary street value, it is common knowledge that PII is regularly sold or traded with other individuals engaged in fraud. Due to the number of different fraud schemes that can be perpetrated using stolen PII, individuals engaged in fraud actively maintain this information in their possession for months or even years, and sometimes individuals will maintain this information on multiple devices. Also, these investigations have shown that when individuals switch devices, they can transfer information stored on one device to another device through a variety of means, including software backups.

Based on my training and experience, your affiant knows that individuals often keep their electronic devices on or near their person, and in their residence.

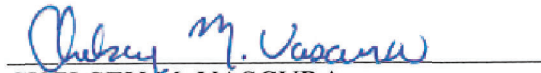
22. **CAPERS** received PUA benefits after answering fraudulently to questions associated to her application. **CAPERS** also received PPP benefits to cover the “paycheck” for one employee, herself. As a part of the continued eligibility for benefits, PUA recipients are required to report whether they have received any subsidy money, like PPP, during their period of benefits, which **CAPERS** did not. Applicants cannot receive PPP and PUA benefits. PPP was implemented to provide supplemental paychecks to employees to keep them from becoming “unemployed” and therefore eligible for unemployment benefits. Based upon the pattern of fraudulent activity surrounding **CAPERS’** PUA, PPP, and EIDL claims, in combination with ODJFS’ fraudulent determination of **CAPERS’** PUA claim, and based upon **CAPERS** telling investigators that a firearm possessed by **ABATE** remains within the **TARGET LOCATION**, your affiant believes there is probable cause that evidence of violations of 18 U.S.C. §922(g)(1) (possession of a firearm by a prohibited person), 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. §1344 (bank fraud), 18 U.S.C. § 1343 (wire fraud), and/or 18 U.S.C. § 1349 (conspiracy to commit wire, mail, and/or bank fraud), will be located within **7233 Springview Lane, Dublin, OH 43016 (TARGET LOCATION)**.

I respectfully request that the warrant be issued.

Respectfully submitted,


Tisha M. Hartsough
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 12th day of September, 2023 at Columbus, Ohio.


CHELSEY M. VASCURA
U.S. MAGISTRATE JUDGE